

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lillian M. Kessie,)	C/A No.: 4:09-2324-JFA-TER
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Michael J. Astrue, Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	
_____)	

This matter is before the court as a result of the *pro se* plaintiff's failure to comply with the Magistrate Judge's order of June 25, 2010. A review of the record indicates that the Magistrate Judge assigned to this case¹ issued an order directing that the plaintiff advise the court whether she wished to continue with this action and file her plaintiff's brief in response to the defendant's answer. The plaintiff did not respond to the order nor did she file her brief.

On July 12, 2010, the Magistrate Judge issued a Report and Recommendation suggesting that this action be dismissed with prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute and/or failure to

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

comply with orders of the court. *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), and *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919 (4th Cir. 1982). In the present case, the plaintiff is proceeding *pro se* so she is entirely responsible for her actions. It is solely through plaintiff's neglect, and not that of an attorney, that a brief has not been filed.

The plaintiff was apprised of her right to file objections to the Report, yet she has failed to do so. It thus appears that the plaintiff wishes to abandon her complaint.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is dismissed with prejudice for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

September 20, 2010
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge